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# Letter dated 27 November 2006 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached third report of Cameroon submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Ellen Margrethe **Løj**
Chairman
Security Council Committee established
pursuant to resolution 1373 (2001)

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## Annex

### Note verbale dated 21 November 2006 from the Permanent Mission of Cameroon to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

[Original: French]

The Permanent Mission of the Republic of Cameroon to the United Nations presents its compliments to the Chairman of the Committee and, with reference to her note dated 26 September 2003, has the honour to submit herewith the third report of Cameroon on national measures taken to combat terrorism (see enclosure).

## Enclosure*

# Third report submitted by Cameroon to the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism*

### Paragraph 1

**Subparagraph (a) — Which legal and natural persons are under an obligation to declare the foreign assets they hold in the territory of the Republic of Cameroon? Are legal and natural persons required to declare the assets they hold abroad? Please define the term "foreign assets".**

All natural or legal persons residing in Cameroon are required to declare all foreign currency in their possession in Cameroon within eight days and to transfer it to the banking system. All resident natural or legal persons are required to declare and repatriate all assets held abroad. "Foreign assets" means the product of direct investments abroad, the product of a sale abroad, remuneration for services provided abroad and the earnings of entertainers and athletes.

Moreover, Regulation No. 02/00/CEMAC/UMAC/CM of 29 April 2000 harmonizing the foreign exchange regulations of the member States of the Central African Economic and Monetary Community (CAEMC) does not require residents to declare the assets they hold in Cameroon; nor does it require natural or legal persons to declare all the assets they hold abroad. Only direct investments abroad by residents in excess of 100 million CFA francs must be declared.

**Which transfers are subject to foreign exchange controls and which are not?**

In accordance with Act No. 63/4 of 19 June 1963 on the application in the Republic of Cameroon of the foreign exchange regulations of the franc zone, all natural or legal persons residing in Cameroon are required to declare all foreign currency in Cameroon within eight days and to transfer it to the banking system. All resident natural or legal persons are required to declare and repatriate all assets held abroad.

Similarly, all transfers of funds outside the franc zone are subject to foreign exchange controls by means of transfer authorizations issued by the Ministry of Economic Affairs and Finance, which is the monetary authority.

Moreover, under the new CAEMC foreign exchange regulations, all current transfers are carried out directly by banks, which are required to notify the monetary authority by submitting a declaration after the completion of the transaction. In that respect, the Ministry of Finance, by circular letter No. 624/MINFI/DCE of 5 November 1983, instructed bank managers to exercise increased vigilance in the execution of transfers. Appropriate supporting documents are required for any transfer. The movement of funds above a certain amount continues to be subject to prior authorization. All transfers exceeding 100 million CFA francs continue to require the prior authorization of the monetary authority. Credit institutions are required to report any suspicious transactions, including those involving unknown persons, excessively high amounts or funds of dubious origin. The evaluation of

* Enclosures are on file with the Secretariat and are available for consultation.

such cases is based on scrutiny of the supporting documents relating to any transaction.

The administrative measures taken in respect of banks concern the obligation to identify clients and financial beneficiaries.

In the light of the strategies used by terrorist networks to circumvent the law, the current mechanism now allows for the monitoring in particular of certain transactions involving amounts with a unit or total value of over 500,000 CFA francs. Particular vigilance is exercised in the case of electronic transfers of international or domestic funds.

As indicated above, the mechanism established by the Bank of Central African States (BEAC) to combat money-laundering and the financing of terrorism in the CAEMC zone may also be cited. These mechanisms include the Action Group against Money-Laundering in Central Africa (GABAC), which is a framework for international cooperation acting as a regional group as advocated by the Financial Action Task Force on Money-Laundering (FATF).

This mechanism originated in a joint declaration adopted at the Conference of Heads of State of CAEMC in December 2000. The Action Group against Money-Laundering in Central Africa was established by an additional act adopted by the Heads of State. Regulation No. 02/02/CEMAC/UMAC/CM on the organization and functioning of the Action Group gives it the means to support activities undertaken in the member States within the framework of combating money-laundering and proceeds from crime.

The Conference of Heads of State appointed the Permanent Secretary of GABAC on 23 January 2003 at Libreville. On 28 March 2003, the Ministerial Committee of the Central African Monetary Union (CAMU) strengthened its legal framework to combat money-laundering by adopting regulations on the prevention and suppression of money-laundering and the financing of terrorism.

The CAEMC regulations consolidate the rules necessary to combat money-laundering and those dealing with the financing of terrorism and organized crime. They combine preventive and repressive measures. They specify, in accordance with article 4, the rules for the early warning, detection, prevention and suppression of the use of the financial system or other economic sectors of the CAEMC States for the purposes of laundering money of dubious and illicit origin or financing terrorist acts.

The regulations specify the entities on which they impose obligations. These include principally financial institutions (under a broad definition including national mints and treasuries), money changers and some non-financial professions, including legal professions (notaries, lawyers and others), and accountants, dealers in certain goods (precious stones, antiques and art works), real estate agents and casinos.

The obligations imposed on financial institutions include: identifying their clients, declaring transactions deemed to be suspicious, closely scrutinizing certain kinds of operations and keeping records and ensuring proper management.

The regulations establish in each member State a financial intelligence unit called the National Financial Investigation Agency.

Cameroon established the National Financial Investigation Agency by Decree No. 2005/187 of 31 May 2005.

In Cameroon the National Financial Investigation Agency is a public financial information service. It is financially autonomous and has the authority to take decisions falling within its competence.

The Agency's mission is to:

- Receive, process and, if necessary, transmit to the competent judicial authorities any information that can establish the origin of the amounts concerned or the nature of the transactions giving rise to suspicion, within the framework of combating money-laundering and the financing of terrorism;
- Obtain information useful for its mission from the judicial authorities and the authorities responsible for monitoring the entities concerned;
- Establish a database containing all useful information about suspicious declarations provided for in the regulations, the transactions carried out, and the individuals who carried out the transaction, whether directly or through intermediaries.

**What penalties apply if banks fail to report suspicious transactions? Have sentences already been handed down for failure to report suspicious transactions?**

In Cameroon, all transfers exceeding 100 million CFA francs must be specifically authorized in advance by the Ministry of Finance. Credit institutions are required to report any suspicious transactions, in particular those involving unknown persons, excessively high amounts and funds of dubious origin. The evaluation of such cases is based on scrutiny of the supporting documents relating to each transaction. The administrative measures taken in respect of banks concern the obligation to identify clients and financial beneficiaries. The current mechanism now allows for the monitoring in particular of certain transactions involving amounts whose unitary or overall value exceeds 500,000 CFA francs. Particular vigilance is exercised in the case of electronic transfers of international or domestic funds. As far as enforcement is concerned, specific anti-terrorist legislation is currently being drawn up; this will allow account to be taken of cases in which no declarations of transactions relating to terrorism-funding operations have been made.

Current legislation provides that banks which do not report suspicious transactions shall be liable to a penalty under article 21 of Regulation No. 01/03-CEMAC/UMAC/CM on the prevention and suppression of money-laundering and the financing of terrorism in Central Africa, which provides:

"When, owing to lack of vigilance or lack of internal control procedures within the institution, a financial institution fails to report a suspicious transaction as provided under article 18 (obligation to report suspicious activity), the disciplinary authority is empowered to initiate proceedings on the basis of professional or administrative regulations and may advise the Government Procurator of the procedure". The authority with disciplinary power in this case is the Central African Banking Commission (COBAC).

**Do informal banking networks (such as Hawala) exist in Cameroon? Please outline the legal provisions regulating them, if any:**

In Cameroon there are informal banking networks called "tontines" which are chiefly concerned with domestic savings. "Hawala" is unknown in Cameroon.

Banking law is not applicable to tontines. Any dispute arising therefrom falls under the purview of ordinary criminal and civil law.

Tontines are associations that hold periodic meetings to collect household savings in order to return them, including interest earned, at the end of an annual period. Interest is earned from loans granted to depositors over that period.

In order to secure their deposits, tontines work with commercial banks with which they conclude savings account agreements; it is at this level that bank control can be exercised over the deposits made by tontines.

Furthermore, since CFA francs cannot be converted outside the area of issuance, operations carried out abroad by the tontines would necessarily be subject to the exchange and transfer regulations.

**Does Cameroon intend to enact anti-money-laundering legislation?**

On 28 October 1991 Cameroon ratified the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, adopted in Vienna on 20 December 1998, since it is convinced that action to combat money-laundering cannot be credible and fully effective unless all States introduce a legal framework based on the international norms and standards obtaining in this area. Cameroon is also a member of the Action Group against Money-Laundering in Central Africa (GABAC) which acts in accordance with the Action Plan against Money-Laundering adopted by the United Nations General Assembly on 10 June 1998 and the recommendations issued by the Financial Action Task Force (FATF). With the backing of these bodies, it is currently drawing up legislation to combat money-laundering.

There is also Regulation No. 01/03/CEMAC/UMAC/CM of 4 April 2003 on the prevention and suppression of money-laundering and the financing of terrorism in Central Africa.

**Subparagraph (6) — Since Cameroon intends to ratify the International Convention for the Suppression of the Financing of Terrorism, the CTC would be grateful to receive a progress report regarding any proposed amendments to implement that Convention, particularly as regards Articles 2 and 4.**

All implementing provisions in respect of the said Convention will be directly incorporated in the overall body of national legislation which Cameroon intends to draw up and adopt.

**Subparagraph (c) — Please describe the procedure leading to the freezing of funds, other financial assets or economic resources suspected of belonging to terrorists or terrorist organizations.**

The procedure may be initiated at the reasoned request of any person. In order to freeze funds or other financial assets or economic resources whose provenance appears suspicious, there is an administrative procedure that may be applied on

case-by-case basis, either by the Central African Banking Commission (COBAC), or the monetary authority, on the basis of a declaration that irregularities are suspected. The monetary authority may also take legal action in the case of violations of the foreign exchange regulations following unannounced visits of credit establishments by Ministry of Finance officials. At a judicial level, infringements by the banks of the relevant professional and administrative rules may result in sentences entailing deprivation of liberty, fines and certain additional penalties such as forfeiture, closure of the establishment and confiscation (Penal Code, art. 19). Security measures may also be taken, entailing a ban on exercising the profession and relegation (see detailed reply in Cameroon's first report).

Furthermore, the National Financial Investigation Agency investigates all declarations of suspected irregularities submitted by financial and other institutions subject to it, when they have reasonable grounds for suspecting that transactions could be linked to the financing of terrorism, terrorist acts or terrorist organizations.

In that case, it immediately refers the issue to Parquet (the Legal Department) by written report, attaching a copy of the declaration and the results of its own investigations.

The Parquet may, as soon as it is seized, issue an order temporarily suspending the transaction for a period of 48 hours, renewable once only, which it communicates to the financial body and the parties in question. The suspension ends when that provisional period expires, unless the judge ruling on urgent matters issues an order confirming the suspension or the case is referred to the trial court.

**How is a request by a foreign authority to freeze funds etc. in Cameroon dealt with under Cameroon's domestic laws and regulations?**

Any request by a foreign authority to freeze funds received through the diplomatic channel by the monetary authority of Cameroon is forwarded to the banks for implementation. Where appropriate, a request may be made for mutual judicial assistance. At the judicial level, the Parquet may, as soon as it is seized, issue an order temporarily suspending the transaction which it communicates to the financial body and the parties in question by any medium capable of delivering a written record. This suspension means that for a period of 48 hours, renewable once only, the suspicious operation must be halted and that the funds may not be made available to, or used for the benefit of, suspicious persons.

Furthermore, in accordance with article 60 of Regulation No. 01/03/CEMAC/UMAC/CM of 4 April 2003 on the prevention and suppression of money-laundering and the financing of terrorism in Central Africa, the court may, subject to reciprocity, be requested by a competent authority of a third State to take interim measures to freeze funds.

**Please explain how the control exercised over assets and accounts by the National Credit Council and the Central African Banking Commission (COBAC) can assist in the implementation of subparagraph (c) of the resolution.**

The Central African Banking Commission enjoys powers of control over all credit establishments in the zone. By virtue of these powers, it issues directives for the security of the banking system which all banks are required to comply with subject to closure.

The CERBER system, implemented in the banking system, allows COBAC to verify that its recommendations in respect of the freezing of accounts are being complied with effectively.

**Please provide the CTC with the list of alleged terrorists attached to the circular of the Minister of Economic Affairs and Finance dated 14 December 2001. On which basis was the list compiled?**

On the basis of the circular in question, a list of natural and legal persons was transmitted to the credit establishments. This list, which includes organizations such as Al-Qaida/Islamic Army, the Abu Sayyaf Group, the Armed Islamic Group (GIA), Harakat ul-Mujahedeen (HUM) and the Islamic Movement of Uzbekistan (IMU), was forwarded to Cameroon by the Security Council to help it implement the resolution.

The list is attached to this document.

**Subparagraph (d) — What is the legal basis and procedure for the approval or denial of public solicitations by the Ministry of Territorial Administration?**

In Cameroon, the collection of funds through public solicitation is governed by Act No. 83/002 of 21 July 1983 on appeals for public donations and its implementing decree No. 85/1131 of 14 August 1985 laying down the conditions for granting authorization to appeal for public donations. These rules provide that any appeal for public funding must be authorized in advance on the basis of a dossier required by the regulations, which is submitted to the administrative authority, according to well-defined legal categories. This applies in particular to public establishments, development committees, State-approved associations, foundations and establishments and religious groups. It should be pointed out that the authorization issued is valid only within the national territory. In the event of a refusal, a reasoned statement is issued to the applicant by any medium capable of delivering a written record.

**How does the financial tracking system ensure that funds received by charitable, religious or cultural organizations otherwise than through public solicitation are not diverted from their stated purposes to terrorist activities?**

Legislation has been enacted in respect of associations (Act No. 90/053 of 19 December 1990 concerning freedom of association) and non-governmental organizations (Act No. 99/014 of 22 December 1999 governing non-governmental organizations). The aims of these bodies are regularly monitored, and any diversion from their stated purposes may entail appropriate administrative and judicial measures.

However, institutions subject to the law in general, and financial institutions in particular, are continuously reminded of the need to report systematically to the National Financial Investigation Agency all transactions carried out by charitable, religious or cultural organizations. The Agency is responsible for ensuring that the funds and assets received by these organizations are used properly.

**Paragraph 2**

**Subparagraph (a) — Could Cameroon please explain how it criminalizes the recruitment of members of terrorist groups both inside as well as outside Cameroon, as distinct from the criminalization of association with or membership in such a group?**

The existence of terrorist groups in Cameroon has not yet been reported. Specific legislation aimed at combating terrorism is being prepared to meet the needs of the current international context. The United Nations Office on Drugs and Crime in Vienna plans to organize a workshop in Cameroon in November 2006, with a view to finalizing the draft proposals.

Nevertheless, the Penal Code contains provisions enabling "road-blocking" and other offences relating to terrorism to be suppressed. This applies to:

– *Any association of malefactors*: (suppression of conspiracy under articles 9 and 95). Under article 9 of the Penal Code, "a conspiracy exists when the intention to commit an offence is concerted and decided upon by two or more persons ... The conspiracy to commit a crime or an offence — unless suspended or unless it had no effect, owing to circumstances independent of the will of the authors — is itself regarded as a crime or an offence".

– *Dangerous preparations*: article 248 of the Penal Code imposes "a term of imprisonment of 20 days to one year on any person who, with a view to committing a crime or an offence, carries an instrument that could be used to force the door of a building. This purpose is always presumed when such acts are committed at night".

– *Vagrancy*: under the terms of article 247 of the Penal Code, "any person shall be regarded as a vagrant and punished with imprisonment of six months to two years who, having been found in a public place, can show no evidence of a specific domicile or means of subsistence. The penalties are doubled:

• If the vagrant is found to be carrying arms or an instrument that could be used to commit an offence;

• If the vagrant has committed or tried to commit any act of violence whatsoever against persons".

– *Armed bands*: article 115 of the Penal Code imposes life imprisonment on any individual who, with the aim of fomenting secession, civil war or revolution, or of preventing the public authorities from acting against the authors of such crimes, organizes an armed band or exercises a function or a command of any kind within it or participates with that band in the commission or the attempted commission of such crimes;

– Any individual who has participated in the formation of such a band shall be punished with a term of imprisonment of 10 to 20 years;

– Any assembly of at least five persons one of whom is carrying a weapon, whether overtly or covertly, shall constitute an armed band.

**Please describe how the prohibition to acquire firearms without authorization is implemented in law as well as in practice.**

Cameroon has no weapons industry. That said, there is no special legislation in Cameroon to specifically prevent the acquisition of conventional arms and weapons of mass destruction by Osama bin Laden, members of the Al-Qaida organization and the Taliban and individuals, groups, undertakings and entities associated with them in places where they are located, given that they are not in our country.

Nevertheless, as indicated in the reports submitted pursuant to resolution 1373 (2001), Decree No. 73/658 of 22 October 1973 regulates the acquisition (import, sale or transfer), possession and carrying of firearms for commercial purposes (for hunting).

Generally, only the Ministry of Defence may acquire weapons of war.

Any purchase or possession of firearms is subject to written authorization by the Ministry of Territorial Administration. Such authorization is granted only to persons considered to be of good character, following background checks conducted by gendarmerie officials and special divisions of the national police.

However, criminals sometimes acquire firearms through informal channels (organized crime, locally manufactured weapons and road-blockers).

At an entirely different level, it should be borne in mind that there are many foreigners residing in Cameroon who are authorized to bring weapons into the country temporarily. A list of such persons is maintained by the Ministry of Territorial Administration and Decentralization and by the immigration services (ports, airports and border points).

Such persons are prohibited from transferring their weapons to Cameroonians and from re-exporting them at the end of their stay. In order to prevent their weapons from being sold in Cameroon, the movement of such persons within the country is monitored. In addition, weapons, ammunition or explosives sometimes transit through Cameroon en route to neighbouring landlocked countries. In order to prevent illegal weapons trafficking and possession such shipments are escorted by the competent Cameroonian services from the port at which they are unloaded (Douala) to the border with the country in question.

**What measures, if any, have you adopted to criminalize the violation of the arms embargo directed at Osama bin Laden, members of Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them?**

No specific measures directed at Osama bin Laden and others have been adopted, although Cameroonian laws may punish this type of offence. Several provisions of the Penal Code deal with this. The Cameroonian regulations relating to firearms rule out any possibility that terrorists might be able to acquire such weapons.

In fact, arms and munitions classified as "war materiel" are governed by special regulations that concern primarily the national defence forces, which alone are authorized to be equipped with such materiel, in the context of the sovereign mission to protect the integrity of the national territory devolved upon the

Cameroonian State under its constitution, the law of nations, and international custom.

With regard to firearms that use the explosive force of gunpowder, the acquisition (import, sale or transfer), possession or carrying thereof in a personal capacity, as well as the establishment of private depots of arms and ammunition for commercial use, including hunting, are governed by Decree No. 73/658 of 22 October 1973. As a general rule, the regime applicable here is that of authorization issued by the administrative authority (art. 5). Such prior authorization is granted only to persons considered to be of good character, following background checks conducted by specialized services. In the case of private depots of arms and ammunition for commercial use, regular monitoring of stocks — which must bear a mark — is carried out once every three months, whether in stores or in repair workshops.

The Cameroonian specialized services also maintain a register of weapons in the possession of foreign nationals.

Article 20 of the aforementioned decree provides, without prejudice to the application, where necessary, of articles 237 (on possessing and carrying weapons) and 238 (on carrying a dangerous weapon) of the Penal Code and the relevant provisions of the Customs Code, for the suppression of offences against the regulations thereby instituted. The penalty may consist of a fine, a term of imprisonment or confiscation of the weapon unlawfully possessed.

**Please describe how your arms/arms broker licensing system, if any, can prevent Osama bin Laden, members of Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them from obtaining items under the established arms embargo.**

Cameroonian legislation sets forth very strict requirements for granting arms and arms broker licences. Background checks are carried out on the applicant, including place of birth and place of residence. The security services carry out this task in cooperation with the prefects.

**Do you have any safeguards that the weapons and ammunition produced within your country will not be diverted/used by Osama bin Laden, members of Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them?**

Cameroon does not produce weapons, with the exception of traditional weapons made in some parts of the country for hunting game and used during traditional parades. Prefectural and municipal by-laws regulate their use.

**In which cases can weapons be acquired without an authorization from the administrative authority?**

In principle, there are no exceptions to the rule that authorization for the acquisition of firearms must be issued by the administrative authorities or, in the case of temporary acquisition and entry of weapons, by Cameroon's embassies and consulates abroad. However, criminals sometimes acquire firearms through informal channels (organized crime, locally produced weapons, road-blockers and cross-border transfer). Only the Ministry of Defence may acquire weapons of war.

**Please outline Cameroon's export control regime for weapons.**

Since Cameroon lacks a military industry capable of producing firearms, it does not export them. However, since many foreigners residing there are authorized to bring weapons into the country temporarily, such persons are prohibited from transferring them to Cameroonians and from re-exporting them at the end of their stay. In order to prevent these weapons from being sold in Cameroon, the movement of such persons within the country is monitored. In addition, weapons, ammunition or explosives sometimes transit through Cameroon en route to neighbouring landlocked countries. In order to prevent illegal weapons trafficking and possession, such shipments are escorted by the competent Cameroonian services from the port at which they are unloaded (Douala) to the border with the country in question.

**Please outline the measures, both legislative and practical, preventing entities and individuals from recruiting, collecting funds or soliciting other forms of support for terrorist activities to be carried out inside or outside Cameroon, including, in particular:**

- **The carrying out, within or from Cameroon, of recruiting, collecting of funds and soliciting of other forms of support from other countries;**

Existing legislation governing the activities of non-Cameroonian organizations requires them to obtain prior authorization from the Ministry of Territorial Administration, with the approval of the Minister for Foreign Affairs. Such requests must specify, inter alia, the activities to be conducted, the location of the organization's premises in Cameroon and the name, profession and place of residence of each person in any way involved in such activities. These regulations make it virtually impossible for such an entity to depart from its initial purpose. Any organization which might be tempted to do so would incur the risk of imprisonment or fines, as applicable, particularly if it sought to violate the internal or external security of the State (arts. 31 and 33 of the Act of 19 December 1990 on freedom of association); the persons implicated could be extradited.

- **Deceptive activities such as recruitment based on a representation to the recruit that the purpose of recruitment is one (e.g. teaching) different from the true purpose and collection of funds through front organizations.**

In addition to the above-mentioned measures, which are also relevant to this situation, it should be noted that foreign organizations operating under a front in Cameroon now fall within the scope of the general tax code of 19 April 2002, under which their activities in Cameroon are monitored. Mechanisms exist to prevent, identify and punish organizations operating under a front in order to perpetrate terrorist acts, but they may be strengthened under the new counter-terrorism act.

**Subparagraph (b) — Which are the "specialized centres" in Cameroon responsible for providing early warning to other States?**

The National Central Bureau (NCB-Interpol) and the Committee of Central African Police Chiefs are the specialized centres responsible for providing early warning to all States of the subregion.

**Please provide the Committee with information on the mechanism for inter-agency cooperation between the authorities responsible for narcotics control, financial tracking, and security, with particular regard to the border controls preventing the movement of terrorists.**

**The Committee would welcome a progress report on the "creation and formation of specialized units in the fight against terrorism".**

Security staff meetings are held with the participation of all specialized departments responsible for mechanisms of inter-agency cooperation in the exchange of information and monitoring of drug traffickers, weapons transfers and movements of armed bands in Cameroon. Similar meetings are held at the provincial level in order to better combat such threats.

Three specialized units of the Cameroonian police, created by Presidential decree, are responsible for combating terrorism:

- The Special Operations Group (GSO) under the Office of the Director-General of Security;
- The Intervention and Investigation Service (SIR) under the Judicial Police; and
- The Intervention Service (SI) under the Border Police; its activities focus on ports, airports and border posts.

By Decree No. 99/015 of 1 February 1999, a multipurpose intervention unit of the Gendarmerie was established for the purposes of maintaining and restoring order, combating terrorism, and combating organized crime.

**Subparagraph (c) — Please provide the Committee with a copy of the legal provisions allowing police chiefs of border posts to deny entry into Cameroon to alleged terrorists, even when they are in possession of an entry visa.**

Decree No. 2000/286 of 12 October 2000 sets forth conditions for foreigners' entry into, stay in and exit from Cameroon; the procedures for deportation, escort to the borders, extradition and expulsion contained therein allow police chiefs of border posts to deny entry into Cameroon to alleged terrorists, even when they are in possession of an entry visa issued by a Cameroonian embassy or consulate abroad, for reasons of security and public order.

**Are visa applicants scrutinized for a possible terrorist background before the embassies or consulates of Cameroon decide whether to grant or deny them entry visas?**

Under article 31 of the above-mentioned Decree, the competent diplomatic mission or consular post must take action on visa applications within 48 hours of their submission. Even before the current counter-terrorism concerns arose, this provision provided for an exchange of information with the Border Police in order to obtain information on persons applying for visas at Cameroon's embassies or consulates abroad. For example, all visa applicants are subject to a compulsory interview designed to establish the real reason for their planned trip to Cameroon and both the applicant and the Border Police are notified when a visa application is denied for any reason.

**Subparagraphs (d) and (e) — What is the competence of the courts of Cameroon to deal with criminal acts of each of the following kinds:**

**An act committed outside Cameroon by a person who is a citizen of, or habitually resident in, Cameroon (whether that person is currently resident in Cameroon or not);**

In the case of a crime or other offence committed outside Cameroon by a Cameroonian national, article 10 of the Penal Code states that Cameroonian criminal law applies to acts committed abroad by a citizen or a resident, provided that they are punishable under the legislation of the place where they were committed and that they are defined as crimes or other offences under Cameroonian law. However, the only way that a citizen or resident who is guilty of committing a crime against an individual may be tried by the Cameroonian courts in application of the aforementioned article 10 is for the Government Procurator's Office to initiate proceedings following a complaint or official charge addressed to the Government of Cameroon by the Government of the country in which the crime was committed.

**An act committed outside Cameroon by a foreign national who is currently in Cameroon?**

A foreign national who commits an offence abroad and takes refuge in Cameroon can be prosecuted there. Such is the case with offences involving attacks on State security, forgery of the State seal or counterfeiting of national currency. Prosecution is initiated through an international arrest warrant or a request for extradition; in either case, once arrested, the accused is either prosecuted in Cameroon or extradited pursuant to the relevant international conventions or, failing that, under Act No. 64/LF/13 of 26 June 1964, modified and supplemented by Act No. 67/LF/1 of 12 June 1967 and Act No. 97/010 of 10 January 1997 which will be replaced as of 1 January 2007 by articles 635 to 675 of the Code of Penal Procedure (see below).

**Please provide the Committee with a progress report on the envisaged amendments to the Penal Code and on the comprehensive legislation to prosecute and punish terrorism and all its ramifications which Cameroon is about to enact.**

Criminal legislation for the punishment of terrorism and all its ramifications is being developed. However, legislation already exists to punish unlawful acts against the safety of civil aviation; in some cases, penalties include life imprisonment (Act No. 2001/019 of 18 December 2001 on unlawful acts against the safety of civil aviation).

**Subparagraph (f) — Is extradition in Cameroon contingent, in any respect, on the existence of bilateral or multilateral treaties?**

Under Cameroonian positive law, implementation by the competent authorities of extradition, which is regulated by the aforementioned Act No. 64/LF/13 of 26 June 1964 as modified, requires the existence of bilateral or multilateral treaties. Despite this established principle, however, Cameroon's practice of reciprocal cooperation in this area, even in the absence of a specific instrument, has a firm basis in international law.

Declarations of reciprocity take the form of an exchange of letters between ministers for foreign affairs. The following case is an example of how Cameroonian extradition law works: at the time of Switzerland's extradition in 1987 of Lotfallah Michel El Yazigi and Joseph Nazih Karam (Lebanese nationals charged with forgery and use of false documents in private trade dealings, serious fraud, misuse of public funds, misappropriation of loans and complicity in concealing the evidence of such offences, deception of their associates and fraudulent bankruptcy committed against Société SOCPAX-Cameroon), the Government of Cameroon issued a declaration in which it formally agreed to extradite to Switzerland, if so requested by the Swiss Government, any person — with the exception of Cameroonian citizens — being pursued by the Swiss authorities for acts similar to those with which the aforementioned individuals were charged (see Archives of the Ministry of Foreign Affairs, Treaty Services, 1987).

However, with the advent of domestic extradition laws that replaced or supplemented treaties, such declarations became less important.

Title VI of the new Code of Penal Procedure relates to extradition. The extradition procedure, which is based on international conventions, is regulated by articles 635 to 675. However, these provisions will not apply until 1 January 2007.

Essentially, according to the aforementioned articles:

- Extradition may be granted for serious crimes and offences under general law that are non-political in nature (articles 642 and 643);
- Extradition applies to foreigners and not to nationals, except where the law provides otherwise (article 644);
- Requests for extradition will be denied if there is serious reason to believe that the person whose extradition is being requested will be subjected to torture and other cruel, inhuman or degrading treatment or punishment in the requesting State (article 645, (d));
- The transit through Cameroonian territory of a person of any nationality who is being extradited by a third State to another third State may be authorized (article 671).

**What is the legal time frame within which a request for judicial assistance in criminal investigations or criminal proceedings, especially those relating to the financing or support of terrorist acts, must be met? How long does it actually take in practice to implement such a request in Cameroon?**

In Cameroon, the only requirement for meeting requests for judicial assistance in criminal investigations or criminal proceedings is transmission through the diplomatic channel.

**Please elaborate on the "institutional and legal shortcomings" that Cameroon, along with other Central African States, have identified as hampering the implementation of this subparagraph together with subparagraphs 3 (a), (b) and (c) of the resolution.**

Most Central African States do not yet have specific legislation criminalizing the financing of terrorism. However, the adoption by the Central African Economic and Monetary Community (CAEMC) of regulations designed to prevent and punish

money-laundering and the financing of terrorism in Central Africa is an encouraging development with respect to extradition and judicial assistance in criminal investigations and criminal proceedings relating to terrorist acts. The Cameroonian Government considers that the Central African States' unequal levels of technological, human and material resources are also a factor in the failure of their specialized units to exchange more than a very limited amount of operational and factual information. These States also require assistance in publicizing the international legal instruments on terrorism so that they can harmonize their penal procedure in that area.

**Subparagraph (g) — The report states that travellers from certain countries are given "special attention". By what criteria does Cameroon identify those countries?**

These countries are identified through the international media, mechanisms for the exchange of information between the above-mentioned specialized units, the list maintained by the United Nations Sanctions Committee and the mechanisms of Interpol through the latter's National Central Bureau in Cameroon.

**Paragraph 3**

**Subparagraphs (a), (b) and (c) — Has Cameroon concluded bilateral judicial cooperation agreements with States other than Mali, France and the Democratic Republic of the Congo? If so, please list those countries.**

In addition to the countries listed above, Cameroon has concluded judicial cooperation agreements with Benin, Burkina Faso, the Central African Republic, Chad, Côte d'Ivoire, Gabon, Guinea, Madagascar, Mauritania, the Niger, Nigeria, the Congo and Senegal.

**Do the agreements concluded with Mali, France and the Democratic Republic of the Congo include provisions on extradition?**

Extradition is one of the issues regulated by all these agreements. Examples of this are articles 43 to 60 of the legal cooperation agreement with France, articles 38 to 53 of the general judicial cooperation convention with Mali and articles 25 to 40 of the cooperation agreement with Zaire (now the Democratic Republic of the Congo).

**As part of its implementation of the resolution, does Cameroon intend to conclude bilateral cooperation agreements in criminal matters and on extradition with other countries?**

The conclusion of bilateral agreements on cooperation in matters of criminal law and extradition is one of Cameroon's concerns. For this reason, the negotiation of such agreements with, inter alia, the Russian Federation and Romania has been an element of Cameroon's cooperation with other countries. As a member of Interpol and a State party to the Palermo Convention against Transnational Organized Crime, Cameroon can also use the mechanisms developed by these organizations in its implementation of the resolution.

**Subparagraph (d) — The Committee would welcome a progress report, in relation to the twelve relevant international conventions and protocols relating to terrorism, on:**

– **The steps taken in order to become a party to the instruments to which Cameroon is not yet a party;**

In Cameroon, an act adopted by Parliament authorizing the President of the Republic to ratify an international convention is followed by a decree of ratification, in which the State explicitly agrees to comply with the relevant provisions of the convention being ratified.

Cameroon has already ratified and is a party to the following 12 conventions:

- Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963;
- Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970;
- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973;
- International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979;
- Convention on the Marking of Plastic Explosives for the Purpose of Detection, signed at Montreal on 1 March 1991;
- Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 24 February 1988;
- Convention on the Physical Protection of Nuclear Material, signed at Vienna on 3 March 1980;
- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, signed at Rome on 10 March 1988;
- International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997;
- United Nations Convention against Transnational Organized Crime of December 2000; and
- International Convention for the Suppression of the Financing of Terrorism of 9 December 1999.

In addition, the purpose of Decision No. 264/DL/MJ of 17 September 2004, establishing an inter-ministerial technical committee responsible for the incorporation into domestic law of the instruments aimed at combating international organized crime, terrorism, and corruption, is to ensure the collation of the various legal provisions on these subjects in order to facilitate their integration into domestic positive law.

**Progress made in enacting legislation, and making other necessary arrangements, to implement the instruments to which it has become a party.**

In accordance with article 45 of the Constitution of Cameroon, any normally ratified treaty takes precedence over domestic law. The provisions of a ratified treaty may be invoked before the Cameroonian courts without the prior promulgation of legislation incorporating those provisions in domestic law.

However, the incorporation of treaties in domestic law is necessary whenever their application requires additional penal provisions to be enacted by the Cameroonian legislature.

**Subparagraph (e) — Please describe Cameroon's practice in relation to the requirement of reciprocity regarding extradition based on agreements, especially when the only evidence available is meagre or contradictory.**

Cameroon's practice in matters of reciprocity is to follow the form, procedure and requests which the requesting State used in its dealings with Cameroon. The new Code of Penal Procedure, which will enter into force in January 2007, covers this subject extensively.

**Have the offences set forth in the relevant international conventions and protocols relating to terrorism been included as extraditable offences in the bilateral treaties to which Cameroon is a party?**

There is no list of extraditable offences in the Cameroonian extradition system. The determining factor in the bilateral treaties to which Cameroon is a party, and if there is no treaty, in the law, is the nature of the potential penalty or of the penalty actually imposed. Since offences relating to terrorism are inevitably serious offences, they are deemed to be extraditable.

**Subparagraphs (f) and (g) — Please identify the specialized offices involved in the investigation conducted in order to ensure that asylum-seekers have not planned, facilitated or participated in the commission of terrorist acts and that refugee status is not abused by the perpetrators, organizers and facilitators of terrorist acts. Please outline the legal provisions governing this investigation.**

The Office of the Director-General of Security and the Office of the Director-General of External Research both have specialized departments to make such inquiries in Cameroon; they conduct their investigations with the greatest discretion in accordance with the decrees under which they were established.

**Paragraph 4**

**Has Cameroon addressed any of the concerns expressed in paragraph 4 for the resolution?**

Cameroon notes with concern the close links between international terrorism and other similar and related problems. For this reason, it has ratified the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, the Convention on Offences and Certain Other Acts Committed on Board Aircraft, the Convention on the Marking of Plastic Explosives for the Purpose of Detection, the Palermo Convention against Transnational Organized Crime and

the International Convention against the Taking of Hostages. It signed and then ratified the International Convention for the Suppression of the Financing of Terrorism on 4 October 2005.

***Other matters***

**Could Cameroon please provide an organizational chart of its administrative machinery, such as police, immigration control, customs, taxation and financial supervision authorities, established to give practical effect to the laws, regulations and other documents that are seen as contributing to compliance with the resolution?**

All of the texts requested are appended:

- Decree No. 2005/119 of 15 April 2005 on the organization of the Ministry of Economic Affairs and Finance;
- Decree No. 2002/003 of 4 January 2002 on the organization of the National Security Department;
- Decree No. 2005/187 of 31 May 2005 on the organization and the operation of the National Financial Investigation Agency;
- Decree No. 2002/003 of 4 January 2002 on the organization of the National Security Department;
- Act No. 2001/019 of 18 December 2001 on the suppression of offences and acts against the security of civil aviation;
- Decree No. 99/015 of 1 February 1999 establishing the Multipurpose Intervention Unit of the National Gendarmerie;
- Decree No. 73/658 of 22 October 1973 regulating the sale, transfer, ownership and carrying of firearms and ammunition;
- Decree No. 2004/184 of 13 July 2004 establishing the National Programme for Security of Civil Aviation in Cameroon, abbreviated in French as PNS;
- Decree No. 222/CAB/PR of 13 July 2004 establishing Civil Aviation Security Committees, abbreviated in French as CSA, in the airports of Cameroon;
- Decree No. 98/031 of 9 March 1998 on the organization of emergency and rescue plans in the vent of disaster or major hazard;
- Decree No. 2005/327 of 6 September 2005 on the organization of security crises management in Cameroonian civil aviation;
- Decree No. 2004/184 of 13 July 2004 on the establishment of and organization of the National Programme for Security of Civil Aviation in Cameroon;
- Instrument of Accession to the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999.